

A parliamentary election was held in Maldives in March 2014, completing the country's transition to democracy. Local and international observers, including the European Union, considered the polling as well as the conduct of the Election Commission (EC) to be transparent. The elections had high voter turnout. However, repeated interference by the Supreme Court and sacking of EC members before the elections strained the overall democratic process.

Political Rights and Civil Liberties:

## **Political Rights: 20 / 40 (+1) [Key]**

### **A. Electoral Process: 7 / 12**

Under Maldives's 2008 constitution, the president is directly elected for up to two five-year terms. The unicameral People's Majlis is composed of 85 seats, with members elected from individual districts to serve five-year terms.

In tumultuous presidential elections in 2013, President Abdulla Yameen, a half-brother of former president Maumoon Abdul Gayoom and leader of the Progressive Party of Maldives (PPM), won the run-off against former president Mohamed Nasheed. The Supreme Court halted the voting process three times, including ordering a new first-round vote. The court also designated the police to play a substantive role in handling logistics for the election, and enumerated a list of conditions for the election to take place. The final process was nevertheless deemed free and fair by both local and international monitors.

Parliamentary elections held on March 22, 2014, were largely transparent and competitive. Yameen's PPM won 33 of 85 seats, while Nasheed's Maldivian Democratic Party (MDP) captured 26. The Jumhoore Party won 15 seats, the Maldives Development Alliance won 5, and independents took an additional 5. The Adhaalath Party won the remaining seat. Turnout was almost 77 percent, and both local and international monitors deemed the process free and fair.

Two weeks before the election, the Supreme Court removed two of the four members of the EC, one of whom was the commission's head, claiming they had not properly followed election guidelines. It also sentenced all four members to six-month suspended prison sentences. The move was widely criticized as unconstitutional. Members of the EC had criticized the court's rulings on the presidential election the previous year. The main opposition party considered boycotting the 2014 elections, though it ultimately participated. One day prior to the elections, the head of the Jumhoore Party requested the Supreme Court to delay the voting because the EC was not complete, but the Supreme Court denied the request. Extensive preparations allowed the EC to carry out the process despite losing half its members, and international observers lauded the commission's performance during the elections and in overcoming the setbacks.

### **B. Political Pluralism and Participation: 7 / 16**

Following several decades of rule by Abdul Maumoon Gayoom, Maldives's first multiparty presidential election was held in 2008, and the MDP's Mohamed Nasheed, a former political prisoner, triumphed over

the incumbent. A number of political parties operate, and recent elections have been very competitive. The 2013 Political Parties Act restricts parties from registering and accessing official funds unless they have more than 10,000 members. Outgoing president Mohammed Waheed Hassan vetoed the law, but the parliament overrode the veto. As a result, 11 of Maldives's 16 parties were dissolved, including Waheed's Gaumee Itthihaad Party.

The 2014 elections offered voters wider-ranging choices and provided candidates freedom to campaign and spread their message. Candidates belonging to six registered parties took part, and 302 candidates contested seats in 85 constituencies.

The Maldivian constitution and legal framework grant the right to vote and opportunity to contest elections only to Muslim citizens, and specifically adherents of Sunni Islam, thus excluding the Christian minority and other religious groups.

### **C. Functioning of Government: 6 / 12 (+1)**

The government functioned more coherently in 2014, allowing the parliamentary elections to take place. Nevertheless, political polarization and uncertainty, as well as corrupt behavior such as vote-buying, limited elected officials' effectiveness in crafting policy and passing legislation. A law mandating access to government information is not implemented in practice.

The 2008 constitution and an independent auditor general have provided greater transparency in recent years, shedding light on pervasive corruption within all branches of government. An Anti-Corruption Commission (ACC), established in 2008, investigates cases of suspected corruption, but its work is hampered by inadequate manpower, and the vast majority of cases do not result in convictions. In September 2014, President Yameen reconstituted the ACC, appointing five new members.

### **Civil Liberties: 28 / 60 (-1)**

#### **D. Freedom of Expression and Belief: 6 / 16 (-1)**

The constitution guarantees freedom of expression provided it is exercised in a manner "not contrary to any tenet of Islam." This clause may be interpreted widely; during an election rally, President Yameen stated that foreign observer and governments' criticism of the Supreme Court's decision was tantamount to criticism of Islam. The provision has led to restraint and censorship by journalists and avoidance of critical reporting on religious issues.

The General Elections Act of 2008 requires broadcasters to provide airtime to all candidates and parties and placed a ceiling of no more than 10 percent in comparison to time allotted to other candidates. Most private media channels were highly partisan in their reporting in 2014 and promoted their preferred candidates and parties.

At least 15 journalists reported receiving threatening messages in 2014 after extensive reporting on gangs involved in violence in Malé that led to one death and nine injuries. [Minivan News](#), an online news source, was attacked and harassed after it criticized local politicians and Islamists. A staff member was abducted in August and the editor was repeatedly threatened.

In September, the government introduced new regulations to require publishers and authors to obtain approval for all poetry and literature to prevent “adverse effects” on society.

Freedom of religion remains severely restricted. Islam is the state religion, and all citizens are required to be Muslims. Imams must use government-approved sermons. Non-Muslim foreigners are allowed to observe their religions only in private. In recent years, the rise of conservative strands of Islam has led to more rigid interpretations of behavior and dress, particularly for women, as well as an increase in rhetoric—and occasional physical attacks—against other religions and those who espouse more tolerant versions of Islam.

There are no reported limitations on academic freedom, but many scholars engage in self-censorship.

## **E. Associational and Organizational Rights: 7 / 12**

The constitution guarantees freedom of assembly, but a restrictive 2012 law limited the ability to protest outside of designated areas, required the media to have accreditation to cover protests, and defined “gatherings” as a group of more than one person. Preemptive detention is sometimes used to deter citizens from participating in protests.

Nongovernmental organizations (NGOs) struggle with funding and issues of long-term viability in a weak civil society environment, but a number of NGOs operate freely and comment on human rights and other sensitive issues. Harassment of NGOs continued in 2014, with threats and official investigations directed against Transparency Maldives and other groups that weighed in on sensitive political developments.

The constitution and the 2008 Employment Act allow workers to form trade unions and to strike, and a labor tribunal enforces the act. Strikes do occur, though workers can sometimes face repercussions for industrial action. In July 2014, teachers went on strike over a delay in implementation of their announced salary increments.

## **F. Rule of Law: 7 / 16**

The constitution provides for an independent judiciary, and a Judicial Services Commission (JSC) was established in 2009 to separate the judicial branch from the executive. In 2013, however, UN special rapporteur Gabriela Knaul raised concerns about transparency and politicization in the judiciary, particularly the JSC. The role of the Supreme Court in sacking and sentencing of members of the EC prior to the parliamentary elections weakened the democratic process. The rift between the Supreme Court and the rest of the government widened in December 2014, when the parliament approved the removal of two Supreme Court justices. Knaul stated that the move threatened to curtail judicial independence.

Civil law is used in most cases, but it is subordinate to Sharia (Islamic) law, which is applied in matters not covered by civil law and in cases involving divorce or adultery. As a result, the testimony of two women is equal to that of one man, and punishments such as internal exile and flogging continue to be carried out. Access to justice remains difficult for the substantial number of migrant workers in the country.

The constitution bans arbitrary arrest, torture, and prolonged detention without adequate judicial review. The abuse of individuals in custody remains a problem, though the Maldives’s Human Rights Commission investigates some cases.

The small percentage of religious minorities do not enjoy equal protection under the law, as the constitution and legal framework favor Sunni Muslims. LGBT (lesbian, gay, bisexual, and transgender) individuals encounter societal intolerance; same-sex sexual conduct is prohibited by law and can draw penalties including house arrest, banishment, and lashes.

## **G. Personal Autonomy and Individual Rights: 8 / 16**

Freedom of movement both within and outside of Maldives is provided for by law and is generally allowed in practice. In October, the immigration department issued regulations that required foreign workers to seek permission from their employers before leaving the country. The plan was indefinitely suspended two weeks later following complaints from NGOs and others. Property rights are generally weak, with most land owned by the government and then leased to private owners or developers.

Women are increasingly entering the civil service and receiving pay equal to that of men, though opportunities are sometimes limited by traditional norms, and women hold few senior government positions. Participation of women in the 2014 elections was alarmingly low, with only 23 female candidates; 5 won seats. Domestic violence against women is widespread, though a 2012 law criminalized several types of violence and provided protection for victims. International human rights groups have urged reform of severe legal punishments that primarily affect women, including the sentence of public flogging for extramarital sex. Efforts to address human trafficking have been sporadic and largely ineffective, and the exploitation of migrant workers, who comprise an estimated quarter of the country's population, is widespread.

### **Scoring Key: X / Y (Z)**

**X = Score Received**

**Y = Best Possible Score**

**Z = Change from Previous Year**

**[Full Methodology](#)**